

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID M. CATHCART, et al.,

No. C-09-5748 MMC

Plaintiffs,

**ORDER VACATING MARCH 18, 2011  
HEARING ON PLAINTIFFS' MOTION TO  
CHANGE TIME; SETTING DEADLINE  
FOR DEFENDANTS TO FILE  
RESPONSE TO PLAINTIFFS' MOTION**

v.

SARA LEE CORPORATION, et al.,

Defendants

Before the Court is plaintiffs' "Motion for Order to Control Scheduling of Motion for Summary Judgment and Extend Discovery Cut-off," filed February 4, 2011 and noticed for hearing on March 18, 2011. By the instant motion, plaintiffs seek to extend two deadlines set forth in the Court's November 12, 2010 scheduling order. First, plaintiffs seek an extension of the March 18, 2011 deadline for defendants to file a motion for summary judgment as to the issue of exemptions under Labor Code § 514 and the Motor Carrier Act. Second, plaintiffs seek an extension of the March 1, 2011 deadline to complete discovery with respect to said exemptions.

Under the Local Rules of this District, a motion seeking to "alter[ ] an event or deadline already fixed by the Court," see Civil L. R. 6-1(b), is a "motion to change time," see Civil L.R. 6-3. Opposition to a motion to change time shall be filed "no later than 4 days after receiving the motion," see Civil L.R. 6-3(c), and no hearing on the motion is

1 conducted, unless the parties are otherwise advised by the Court upon completion of  
2 briefing. See Civil L.R. 6-3(d).

3 Accordingly, in conformity with Civil Local Rule 6-3, the March 18, 2011 hearing on  
4 plaintiffs' motion is hereby VACATED, and defendants are hereby DIRECTED to file any  
5 response to plaintiffs' motion no later than February 11, 2011. As of February 11, 2011,  
6 and unless the parties are otherwise advised, the Court will take the motion under  
7 submission.

8 **IT IS SO ORDERED.**

9  
10 Dated: February 8, 2011

  
MAXINE M. CHESNEY  
United States District Judge